IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3292 OF 2006

Anjanabai Sudhakar Jadhav Applicant
versus
The State of Maharashtra Respondent

M.S.Karnik for Applicant.
S.S.Pednekar, APP for Respondent.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 18th September 2006

PC :

1. The applicant is a woman accused. She is alleged to have committed an offence punishable under sections 302, 498A, 323, 504, r/w 34 IPC.. The CR No.I-63 of 2006 is registered at Vadner Bhoi Police Station.

2. The husband of the applicant Sudhakar is also an accused and arrested and is in custody. Her son Dnyneshwar is also arrested. The applicant is under arrest since 7th August 2006.

3. The complainant states that he is the brother of deceased. The deceased was ill-treated and

her death is not natural. The medical report is awaited.

4. The applicant filed an application for bail and amongst other grounds contended before the Trial Court that her husband who is also an accused, is suffering from illness and is hospitalised. There is nobody to look after him. Her son is also in custody. Merely because the chemical analysis and the medical report are awaited, that does not mean that she should not be enlarged on bail.

5. Shri Karnik contends that the applicant is aged 50 years. Her son is arrested and husband is hospitalised. She is in custody since 4th August 2006. The applicant’s application for bail has been rejected despite noticing that she is a woman accused and that the release is necessary so that she looks after her husband who is undergoing treatment.

6. After perusing the application and the annexures thereto all that is observed by the learned Judge is that the chemical analyser’s report is awaited and other investigations are in progress. However, there is no denial of the

fact that the husband of the applicant is ailing and is denied bail but admitted to hospital and undergoing treatment. Although medical reports are awaited but considering the fact that the applicant is a woman accused and is required to attend her husband and there is no apprehension otherwise that she will not be available for the trial, her application deserves to be considered sympathetically.

7. Accordingly, following order :-

(i) The applicant shall be enlarged on bail in connection with C.R.No.I-63 of 2006 registered at Vadner-Bhoi Police Station, District Nashik subject to furnishing a personal bond of Rs.10,000/- (Rs.Ten thousand only) with one or two local sureties in the like sum;

(ii) The applicant shall report once in a fortnight to the Investigating Officer attached to Vadner-Bhoi Police Station till conclusion of the trial;

(iii) The bail is granted subject to condition that the applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

(iv) The applicant shall co-operate with the Trial Court for expeditious disposal of the trial. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

(v) Any observation/s made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

(vi) In the circumstances of the case and considering that one of the accused is ailing, the trial is expedited;

(vii) The applicant shall communicate her address where she proposes to reside after bail and during pendency of trial to the Investigating Officer and without prior intimation to the I.O. she shall not change her residential address;

(viii) Application is disposed of in above terms.

(S.C.DHARMADHIKARI, J.)